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Claims 1-3, 5-13, 15-29, and 32-39 are pending in the present application after this amendment cancels claims 4, 14, 30, and 31. Claims 1, 2, 9, 11, 12, 19, 21, 23-28, 35-37, and 39 have been amended to correct typographic errors, to respond to the rejections under 35 U.S.C. §102 and §103, and/or to further clarify the subject matter recited therein. No new matter is added by the amendments, which are supported throughout the specification and figures, and at least by the canceled claims, figure 6, and page 18, lines 2-15, of the specification. In view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

The Examiner has not acknowledged the claim of priority or receipt of the certified copies of the priority documents, which were submitted to the United States Patent & Trademark Office on November 6, 2006. Applicants therefore respectfully request such acknowledgement in the next Office communication.

Claims 1-3, 6-8, 11-13, 16-18, 21-29, 32-34, and 37-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,052,780 to Glover (hereinafter Glover). Applicants respectfully traverse.

Claim 1 relates to an information processing apparatus that includes, *inter alia*, code writing means for causing said protect code to be contained in an executable module generated by linking said decrypted protective object with another object, and deleting means for deleting said decrypted protective object after said decrypted protective object has been linked with said another object. In amended claim 1, *the code writing means adds dummy data to both said first protect code and said second protect code.*

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The Examiner asserts that Glover discloses deleting means for deleting a decrypted protective object after the decrypted protective object has been linked with another object (Office Action; page 2, lines 21-23; citing Glover; col. 10, lines 10-57). The Examiner admits that Glover does not disclose the feature of adding dummy data to protect code within an information processing unit (Office Action; page 8, bottom, to page 9, top). The Examiner asserts in the context of the 35 U.S.C. § 103(a) rejection of other claims that Watanabe discloses this feature (Office Action; page 9, lines 2-5; citing Watanabe). Though the cited sections of Watanabe apparently discuss dummy data, the use of dummy data is apparently limited to being *read and transmitted* (Watanabe; col. 5, lines 46-54). None of the cited sections of Watanabe, nor any other part of Watanabe, discloses or suggest a protect code, and therefore, Watanabe does not disclose or suggest *dummy data being added to a protect code*. Furthermore, according to Watanabe, "the CPU 101 can *easily detect* that the transmitted data is dummy data" (Watanabe; col. 6, lines 47-48; emphasis added). In contrast, in the present invention, as illustrated in figure 6, the protect code applying process unit may add a first dummy data area containing both dummy data and the first protect code to the tail portion of a Lib file, and also may add a second dummy data area containing both dummy data and the second protect code to the tail portion of the executable program file. In this manner, *the analysis for the relationship between the protect codes is difficult to perform* (Specification; page 18, lines 2-15). The dummy data of Watanabe is not added to a protect code and furthermore serves an entirely different purpose than the dummy data of the present invention. Therefore, for at least these reasons claim 1 is allowable over the cited references.

Additionally, Applicants respectfully submit that the combination of Glover and Watanabe is improper as discussed below in regard to the 35 U.S.C. § 103(a) rejections.

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Since none of the references disclose, or even suggest, all of the features of independent claims 1, 2, 11, 12, 21, 23-28, 37, and 39, the references do not render these claims unpatentable.

Claims 3, 6-8, 13, 16-18, 22, 29, 32-34, and 38 depend from one of independent claims 1, 2, 11, 12, 21, 27, 28, and 37, and therefore these claims are allowable for at least the same reasons as their base claims are allowable.

Claims 5 and 15 (claims 4, 14, 30, and 31 having been canceled) are rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover in view of United States Patent No. 6,067,626 to Watanabe (hereinafter Watanabe). Applicants respectfully traverse.

Claims 5 and 15 depend from one of independent claims 1 and 12, and therefore these claims are allowable for at least the same reasons as their base claims are allowable.

Additionally, the Examiner asserts that the motivation to combine the references is to "ensure receiving valid code sent to the information processing unit to be protected at all times (Office Action; page 9, lined 7-9; citing Watanabe; col. 2, lines 51-64). However, the cited section of Watanabe relates only to an interface unit that transmits dummy data to switch an information processing unit to an operating state (Watanabe; col. 5, lines 55-57). The Office Action attributes a feature to Watanabe that is not disclosed in the reference (protection), and therefore the conclusory reasoning of the Office Action is insufficient to support an obviousness rejection.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either *explicitly or implicitly in the references themselves or in the knowledge generally available* to one of ordinary skill in the art. (MPEP 2143.01, emphasis added). "The test for an implicit showing is what the combined teachings, knowledge of one of

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ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). There is no indication that Watanabe supports the purported motivation supplied in the Office Action, nor more importantly that such a motivation would inspire someone with knowledge of either reference to combine the teaching therein with the disclosure of the other reference. There must be *specific teaching* to motivate a person of ordinary skill in the art must to combine the prior art teachings *in the particular manner claimed*. Therefore, since there is no motivation to combine the references, the rejection is improper.

Claims 9, 10, 19, 20, 35, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Glover in view of Watanabe. Applicants respectfully traverse.

Claims 9, 10, 19, 20, 35, and 36 depend from one of independent claims 2, 12, and 28, and therefore these claims are allowable for at least the same reasons as their base claims are allowable. Additionally, as discussed above, it is respectfully submitted that the combination of Glover and Watanabe is improper and the rejections based on the combination of the references should be withdrawn.


CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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